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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NETIQ CORPORATION, a Delaware corporation,) Case No. C05 00694 EDL
Plaintiff,) **STIPULATION AND [PROPOSED]**
v.) **ORDER SUBSTITUTING MARSHAL**
ITA NETWORKS, INC., a New Jersey Corporation,) **LIMITED AS PLAINTIFF PURSUANT**
Defendant.) **TO FEDERAL RULE OF CIVIL**
) **PROCEDURE 25(C)**

1 **WHEREAS** plaintiff NetIQ Corporation (“NetIQ”) filed this action against ITA
2 Networks, Inc. (“ITA Networks”) on February 15, 2005;

3 **WHEREAS** the Complaint alleges that defendant ITA Networks engaged in
4 trademark infringement and unfair competition through, *inter alia*, the alleged infringement of
5 NetIQ’s “MARSHAL” marks;

6 **WHEREAS** pursuant to an Asset Purchase Agreement effective December 1,
7 2005, NetIQ assigned all right, title and interest in the MARSHAL marks that are the subject of
8 the Complaint to Marshal Limited;

9 **WHEREAS** the parties agree that it would be appropriate to substitute Marshal
10 Limited as the plaintiff in this action pursuant to Federal Rule of Civil Procedure 25(c); and

11 **WHEREAS** ITA Networks has not appeared in this action is not affected by the
12 proposed substitution;

13
14 **NOW THEREFORE** NetIQ and Marshal hereby stipulate, and respectfully request
15 that the Court order, as follows:

16 1. Marshal Limited is hereby substituted for NetIQ Corporation as plaintiff in the
17 above-captioned action.

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20 Dated: January 16, 2006

WHITE & CASE LLP
Attorneys for Marshal Limited

22 _____
23 /s/ Mark R. Weinstein /s/
24 Mark R. Weinstein
3000 El Camino Real
Five Palo Alto Square, 10th Floor
Palo Alto, CA 94306

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1 Dated: January 17, 2006

DLA PIPER RUDNICK GRAY CARY
Attorneys for Plaintiff NetIQ Corporation

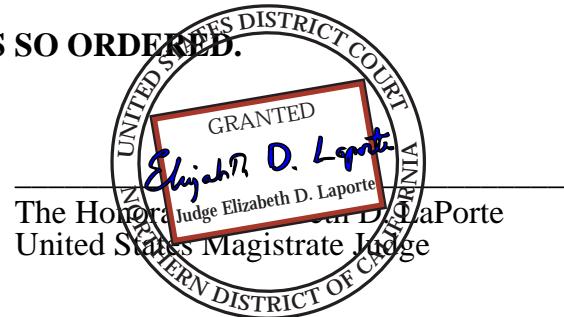
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3 /s/ Eugene Pak /s/

4 Eugene Pak, Esq.
5 153 Townsend Street, Suite 800
6 San Francisco, CA 94107-1957

7 Pursuant to General Order 45.X, I, Mark R. Weinstein, hereby attest that Eugene
8 Pak of DLA Piper Rudnick Gray Cary, counsel for NetIQ Corporation, has concurred in this
9 filing.

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11 Dated: January 19, 2006



12 The Honorable Judge Elizabeth D. Laporte
13 United States Magistrate Judge

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